

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

David Earle Case,) C/A No.: 1:18-2010-TMC-SVH
)
 Plaintiff,)
)
 vs.)
)
 Warden M. Stephon; Ms. Macon,)
 Head Classification; Ms.)
 Livingston; and Ms. Robert,)
)
 Defendants.)
)
)

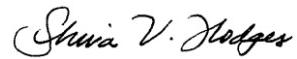
ORDER

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights by Defendants. On April 3, 2019, Defendants filed a motion for summary judgment. [ECF No. 33]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response by May 6, 2019. [ECF No. 34]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to Defendants' motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a

response to the motion for summary judgment by May 23, 2019. Plaintiff is further advised that if he fails to respond, the undersigned will recommend that this action be dismissed for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



May 9, 2019
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge